

HOUSE BILL 380

By Briley

AN ACT to amend Tennessee Code Annotated, Title 36;
Title 39 and Title 40, relative to violations of orders
of protection and other protective orders and
conditions of release.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-113(f), is amended by deleting the language "In order to constitute a violation of this section" and by substituting instead the language "Except as provided in subsection (g), in order to constitute a violation of this section".

SECTION 2. Tennessee Code Annotated, Section 39-13-113, is amended by deleting subsection (g) in its entirety and by substituting instead the following language:

(g)

(1) Except as provided in subdivision (2), a violation of this section is a Class A misdemeanor, and any sentence imposed shall be served consecutively to the sentence for any other offense that is based in whole or in part on the same factual allegations, unless the sentencing judge or magistrate specifically orders the sentences for the offenses arising out of the same facts to be served concurrently.

(2) A violation of this section occurring prior to fulfillment of the conditions established in subdivisions (f)(2) and (f)(3) shall be a Class C misdemeanor; provided that if the court provides a hearing in accordance with subdivision (f)(2) and makes findings in accordance with subdivision (f)(3) at the time of the hearing for a violation of this section, then such violation shall be punished in accordance with subdivision (1) of this subsection.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.